UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

IN RE LOESTRIN 24 FE ANTITI	(RUST) MDL No. 2472
LITIGATION) C.A. No. 1:13-md-2472-S-PAS
All End-Payor Class Actions)
)

DEFENDANTS' MOTION TO STRIKE (1) END-PAYOR PLAINTIFFS' THREE NEW REBUTTAL EXPERTS, (2) PORTIONS OF THE REBUTTAL EXPERT REPORT OF GARY L. FRENCH, AND (3) PORTIONS OF END-PAYOR PLAINTIFFS' REPLY IN SUPPORT OF THE MOTION FOR CLASS CERTIFICATION

Pursuant to Rules 16, 26(a), and 37(c) of the Federal Rules of Civil Procedure, and Local Rule Cv 7, Defendants Warner Chilcott Co., LLC f/k/a Warner Chilcott Co., Inc., Warner Chilcott (US), LLC, Warner Chilcott Sales (US), LLC, Warner Chilcott plc n/k/a Allergan WC Ireland Holdings Ltd., Warner Chilcott Holdings Co. III, Ltd., Warner Chilcott Corp., Warner Chilcott Laboratories Ireland Limited, Watson Laboratories, Inc., and Watson Pharmaceuticals, Inc., ("Defendants") hereby move the Court to strike the following improper and untimely materials filed by the Indirect Purchaser Plaintiffs ("IPPs"): (1) the proposed testimony and opinions offered by three "rebuttal" experts that IPPs should have disclosed, if at all, on July 30, 2018, which are reflected in the Expert Report of Myron D. Winkelman, dated November 30, 2018, the Declaration of Eric J. Miller, dated November 30, 2018, and the Declaration of Laura R. Craft, dated November 30, 2018; (2) the new proposed class definitions and all argument relating thereto contained in IPPs' Reply in Support of the Motion for Class Certification; and (3) Sections I.D, II.F, III, V, VI, VII of the Rebuttal Expert Report of Gary L. French, Ph.D., dated December 7, 2018, which all relate to the untimely opinions offered by Craft, Miller, and

Winkelman, or the untimely new proposed classes that IPPs have submitted in recognition that

the class definition they proposed in their opening motion is defective. The grounds for granting

Defendants' motion are set out in the accompanying Memorandum of Law in Support of Motion

to Strike End-Payor Plaintiffs' Three New Rebuttal Experts, Portions of the Rebuttal Expert

Reports of Gary L. French, and Portions of End-Payor Plaintiffs' Reply in Support of the Motion

for Class Certification and accompanying exhibits.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule Cv. 7(c), Defendants respectfully request oral argument on their

Motion to Strike End-Payor Plaintiffs' Three New Rebuttal Experts, Portions of the Rebuttal

Expert Report of Gary L. French, and Portions of End-Payor Plaintiffs' Reply in Support of the

Motion for Class Certification, and estimate that one hour will provide the parties with adequate

time to be heard.

Dated: December 10, 2018

Respectfully submitted,

/s/ Peter J. Carney

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CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2018, the foregoing Motion filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF). The foregoing Motion is also available for viewing and downloading from the ECF system.

/s/ *Nicole J. Benjamin* Nicole J. Benjamin (#7540)